

REMARKS

This paper is responsive to the Final Office Action dated October 14, 2005. Claims 1-50 are pending.

Claim Rejection Under 35 U.S.C. § 103

In the Final Office Action, the Examiner rejected claims 1-50 under 35 U.S.C. 103(a) as being unpatentable over Vyncke et al. (USPN 5,926,185) in view of Adobe Illustrator 8.0. Applicants respectfully traverse the rejection. Vyncke et al. (Vyncke) and Adobe Illustrator 8.0 (Illustrator), either singularly or in combination, fail to disclose or suggest the invention defined by Applicants' claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

As a preliminary observation, Applicants note that there are at least two reasons why the current rejections are clearly improper. First, the Vyncke reference actually teaches away from the claimed features of Applicants' invention insofar as Vyncke teaches conversion of explicit color objects to implicit color objects, which is exactly opposite the features of Applicants' claims. Second, the combined teachings of Vyncke and Illustrator would not lead a person of ordinary skill in the art to arrive at Applicants' claimed invention. The arguments presented herein are not the only arguments that the rejections of the Examiner's current Office Action are improper. However, Applicants present these arguments as clear proof of the inadequacy of the current rejections. Applicants also encourage the Examiner to review additional arguments presented in Applicants' Amendment dated August 8, 2005.

Applicants' independent claims 1, 10, 18, 26, 32, 38, 47 and 48 recite identifying implicit color commands within a page description file and converting the identified implicit color commands to either explicit color commands or implicit color sub-commands. Applicants describe converting identified implicit color commands to explicit color commands or implicit color sub-commands in order to modify color values in the page description file. For example, Applicants' independent claims 44, 45 and 46 further recite accessing implicit color commands within a page description file and modifying explicit

color values specified by the implicit color commands within the page description file. Furthermore, Applicants' independent claim 50 recites identifying an implicit shading command within a page description file, converting the identified implicit shading command to explicit color commands within the page description file, and modifying color values specified by the explicit color commands.

As best as Applicants' can discern, the Examiner's rationale for rejecting Applicants' claims 1-50 is based on the following. First, the Examiner argued that Vyncke teaches identifying and simplifying implicit color objects to make editing and printing a page description file easier. Second, the Examiner argued that Illustrator teaches converting implicit color commands to explicit color commands and that it would have been obvious to a person of ordinary skill in the art to modify the PDL file simplification process of Vyncke with the manual color object conversion process of Illustrator to arrive at Applicants' claimed invention.

In regard to the Examiner's first argument, Vyncke actually teaches away from Applicants' claimed invention and instead describes identifying explicit color objects within an object display list generated from page description language (PDL) commands and converting the identified explicit color objects to implicit color objects in order to simplify the PDL file. For this reason, a person of ordinary skill in the art, in view of Vyncke, would have consciously avoided the features recited in Applicants' claims. Therefore, Applicants are entirely confused by the Examiner's reliance on the Vyncke reference to reject Applicants' claims 1-50 which recite identifying implicit color commands and converting the identified implicit color commands to explicit color commands.

In support of the rejection, the Examiner referred to Col. 5, line 46 – Col. 6, line 45 of Vyncke as teaching the identification and simplification of implicit color objects. However, it appears that the Examiner has failed to recognize that the cited passage teaches identifying explicit color objects and converting the explicit color objects to implicit color objects. For example, Vyncke describes analyzing a color palate associated with a PDL file for possible relationships between the colors. The Vyncke process identifies a color tint (i.e., a percentage amount of a base color) represented as a distinct color in the color

palate and converts this explicitly defined color tint to an implicitly defined color tint as a function of the base color. The explicitly defined color tint may then be removed from the color palate and both the tint and the base color may be achieved based on implicit color commands.

In addition, the cited passage of Vyncke describes identifying intermediate colors of a blend defined as individual colors in a color palate and defining each of the intermediate colors as a combination of the two extreme colors of the blend. In other words, Vyncke identifies explicitly defined colors of a blend within a color palate and converts the explicitly defined colors to implicitly defined colors based on boundary colors of the blend. Clearly, the teachings of Vyncke are completely contrary to Applicants' claimed invention.

Vyncke describes converting identified explicit color commands to implicit color commands in order to simplify the PDL file. In particular, the Vyncke process simplifies a color palate of a PDL file by eliminating independent colors within the color palate and implicitly defining the colors based on one or more colors within the color palate. Vyncke clearly fails to teach replacing implicit color commands with explicit color commands or implicit color sub-commands within a page description file, as recited by Applicants' independent claims 1, 10, 18, 26, 32, 38, 47 and 48. Instead, the teachings of Vyncke directly oppose Applicants' invention as claimed by actually eliminating identified explicit colors within a color palate associated with a PDL file and replacing the explicit colors with implicit colors that depend on a base color included in the color palate. In this sense, Vyncke appears to describe the antithesis of Applicants' claims.

As described above, Applicants convert implicit color commands to explicit color commands in order to modify explicitly defined color values within the page description file. Therefore, the teachings of Vyncke actually oppose the desired result of Applicants' invention by eliminating any explicitly defined color objects from the PDL file. The Examiner stated that Col. 6, lines 34-45 of Vyncke teaches that a user may modify the individual colors of the implicit color command. However, the cited passage of Vyncke states that intermediate colors within a blend are defined in the color list as mixtures of the extreme colors of the blend. When a user modifies the extreme colors of the

blend, the modification, in turn, automatically updates the intermediate colors that are dependent upon the extreme colors. Clearly, Vyncke does not teach modifying explicitly defined color values within a page description file, as recited by Applicants' claims.

In the Office Action, the Examiner correctly acknowledged that Vyncke does not teach converting implicit color commands to explicit color commands or implicit color sub-commands. The Examiner asserted that Illustrator teaches converting an identified implicit color command into a set of explicit color commands that are individually modifiable. However, Illustrator merely teaches manually converting implicit color objects selected by the user to explicit color objects based on user input by utilizing an Expand command within Adobe Illustrator 8.0. Illustrator fails to describe modifying the explicit color commands in any way. Clearly, neither reference makes any suggestion of modifying explicitly defined color values, much less identifying an implicit shading command within a page description file, converting the identified implicit shading command to explicit color commands within the page description file, and modifying color values specified by the explicit color commands, as recited in claim 50.

With regard to the Examiner's second argument, that it would have been obvious to modify Vyncke in view of Illustrator to arrive at Applicants' claimed invention, Applicants note that even if the cited references could be construed as including the features of Applicants' claims, a person of ordinary skill in the art would not have been motivated to modify the PDL file simplification process of Vyncke with the manual color object conversion process of Illustrator to arrive at Applicants' invention. Vyncke teaches converting explicit color objects to implicit color objects and Illustrator teaches manually converting implicit color objects to explicit color objects. Clearly, combining the teachings of the cited references would not result in Applicants' claimed invention, but instead result in a circular process of converting color objects back and forth between explicit and implicit definitions.

As described above, Vyncke describes converting explicit color objects to implicit color objects in order to simplify a PDL file to make editing and

printing the file easier. In the “Summary,” Vyncke states that simplifying the PDL file includes identifying corresponding objects in different color separations and merging these objects to create an integrated PDL file. Explicitly defining an object, as described in Applicants’ claims, may increase a number of color commands within a page description file. For example, an object defined by an implicit blend command may include one or two distinct border colors with the remaining colors as functions of the border colors. However, the same object defined by an explicit blend command may include a plurality of distinct colors to individually define each of the colors within the blend. Clearly, converting implicit color commands to explicit color commands will not simplify the PDL file in the way described by the Vyncke reference. Therefore, one of ordinary skill in the art would not have looked to the implicit to explicit manual color object conversion process of Illustrator as motivation to modify the PDL file simplification process of Vyncke.

Furthermore, even if a person of ordinary skill in the art modified the Vyncke process with the Illustrator process, Applicants’ claimed invention would not be realized. As described above, Vyncke describes modifying explicit color objects to create simplified implicit color objects. On the other hand, Illustrator describes manually converting implicitly defined objects to explicitly defined objects to reduce difficulties when printing. If a person of ordinary skill in the art combined the teaching of these two references, the result would be a color object modification process that was directly conflicting. The Examiner’s analysis seems to imply that a person of ordinary skill in the art would be motivated to manually convert an implicitly defined object to an explicitly defined object, as described in Illustrator, but then immediately convert the explicitly defined object back to an implicitly defined object, as described in Vyncke. Such conversion back and forth would be nonsensical, and totally contrary to the teaching of both references. Obviously, combining the Vyncke process and the Illustrator process does not even result in a usable color object modification process, let alone Applicants’ invention as claimed.

In order to support a prima facie case of obviousness, three basic criteria must be met. *See* MPEP 706.02(j). First, there must be some suggestion or

motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *Id.* Second, there must be a reasonable expectation of success. *Id.* Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *Id.* The conclusion of obviousness advanced by the Examiner for the rejections of claims 1-50 is clearly improper insofar as the Examiner has cited no evidence to support the Examiner's conclusion. In particular, for at least the reasons given above, the Examiner has failed to meet any of the three requirements of MPEP 706.02(j).

The cited references similarly fail to disclose the features required by dependent claims 2-9, 11-17, 19-25, 27-31, 33-37, 39-43 and 49. For example, claims 3, 12, 20, 28, 34 and 40, recite modifying color values specified by the explicit color commands or the implicit color sub-commands. Both Vyncke and Illustrator fail to describe modifying color values specified by explicit color commands or implicit color sub-commands. In fact, Applicants describe converting implicit color commands to explicit color commands in order to modify color values within the page description file. Therefore, the teachings of Vyncke actually oppose the desired result of Applicants' invention by eliminating any explicitly defined color objects from the PDL file.

As described above, Vyncke teaches modifying extreme colors of a blend, which automatically updates intermediate colors of the blend that are dependent upon the extreme colors. Vyncke does not teach modifying explicitly defined color values within a page description file. Illustrator also fails to describe modifying the explicit color commands in any way. Clearly, neither reference makes any suggestion of modifying explicitly defined color values.

As another example, claims 30, 36 and 42, recite converting some of the implicit color commands to implicit color sub-commands and converting others of the implicit color commands to explicit color commands. For at least the reasons described above, Vyncke and Illustrator, either singularly or in combination, fail to describe converting identified implicit color commands within a page description file to either explicit color commands or implicit color sub-commands. The references certainly do not mention converting identified implicit

color commands to both explicit color commands and implicit color sub-commands.

For at least these reasons, the Examiner has failed to establish a prima facie case for non-patentability of Applicant's claims 1-50 under 35 U.S.C. 103(a). Withdrawal of this rejection is requested.

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. The Examiner is invited to telephone the below-signed attorney to discuss this application.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayments in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225. *A duplicate copy of this communication is enclosed.*

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Mark G. Bocchetti', is written over a horizontal line.

Attorney for Applicant(s)
Registration No. 31,330

Mark G. Bocchetti/gms
Rochester, NY 14650
Telephone: 585-477-3395
Facsimile: 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.